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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRI SIMMONS,
Plaintiff,

v.

NICOLE MURPHY, PENNY BECKMAN,
MOUNT VERNON CITY SCHOOL
DISTRICT, FELECIA GAON, Director of
School Services, PUTNAM/NORTHERN
WESTCHESTER BOARD OF COOPERATIVE
EDUCATIONAL SERVICES, MICHELE FRET,
and SHELLEY EINDBINDER
FLEISCHMANN, and KENNETH R.
HAMILTON,

Defendants.

-----x
ORDER

19 CV 10388 (VB)

Copies Mailed/Faxed
Chambers of Vincent J. Accetti

On May 20, 2022, defendants filed a motion to dismiss the second amended complaint. (Doc. #64). By Order dated July 5, 2022, the Court extended to July 19, 2022, the deadline for plaintiff to oppose the motion to dismiss. (Doc. #71).

On July 18, 2022, plaintiff, in lieu of responding to the motion to dismiss, filed a motion requesting the Court appoint pro bono counsel. (Doc. #72). Plaintiff also requests, in the alternative, “more time . . . to seek legal assistance from the University providing cordial legal assistance to [p]ro se plaintiff[s].” (Id.)

The Court has considered the type and complexity of this case, the merits of plaintiff’s claims, and plaintiff’s ability to present the case. At this time, the Court does not find any exceptional circumstances in plaintiff’s case that would warrant the appointment of counsel. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargent Co., 877 F.2d 170, 172 (2d Cir. 1989).

Accordingly, plaintiff’s motion is DENIED WITHOUT PREJUDICE.

In light of the special solicitude accorded to pro se litigants, and to accommodate plaintiff’s request for time to seek legal assistance, the Court extends plaintiff’s time to oppose

the motion to dismiss to August 22, 2022. To be clear, if plaintiff fails to file her opposition by August 22, 2022, the motion will be deemed fully submitted and unopposed, and will be decided in due course. Absent compelling circumstances, the Court is unlikely to grant any further extensions of time for plaintiff to respond to the motion to dismiss.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is instructed to terminate the motion. (Doc. #72).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: July 21, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge